



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

June 25, 1984

Mr. Stanley Dansicker
9633 Reisterstown Road
Garrison, Maryland 21055

RE: NE/corner of Reisterstown Road
and Montrose Avenue
Special Exception Case No. 84-97-X
Zoning Violation Case No. ~~6-84-695~~

Dear Mr. Dansicker:

Pursuant to our visit with you and some of your neighbors at your place of business, please be advised that there are violations of my Order granting you a special exception that must be addressed and corrected.

1. Within three weeks from the date of this letter, you must submit and obtain approval of a detailed landscaping plan to the Office of Current Planning, and then within three weeks from said approval, implement the plan.
2. By August 30, 1984, you must comply with the site plan filed and accepted as Petitioner's Exhibit 1 by paving the parking area with tar and chip delineated for customers within the fenced area. In addition, the parking spaces must be identified by lines.
3. This office will request verification by the Department of Traffic that the permanent curb stops are not within the County right of way and that the entrance to your site complies with its regulations.
4. The gate to the area specified for customer parking must remain open and available to customers during working hours. A sign posted on the fence stating "customer parking" must be erected.

If you have any questions, please feel free to call.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:eoh

cc: Mr. Vernon Robinson
Mrs. Judy Baer

The Honorable James T. Smith
bcc: Harold Long

PETITION FOR SPECIAL EXCEPTION 84-97-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Used Car Dealer.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Garrison Auto Parts, Inc.

(Type or Print Name)

Signature

9633 Reisterstown Rd.

Address

Garrison, Md. 21055

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

505 Reisterstown Rd.

Address

Pikesville, Md. 21208

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stanley Densicker

Name

9633 Reisterstown Rd.

Address

Garrison, Md. 21055

City and State

Attorney's Telephone No.:

363-8111

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of September, 1983, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 13th day of October, 1983, at 11:30 o'clock

A.M.

By

Signature

Zoning Commissioner of Baltimore County.

(over)

E.C.O.-No. 1

Mr. Leon Kuryk

505 Reisterstown Road

Pikesville, Maryland 21208

cc: Paul Lee Engineering, Inc.

322 W. Pennsylvania Ave.

Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

Your petition has been received and accepted for filing this

1st day of September, 1983.

Received by

Signature

Arnold Jablon

Zoning Commissioner

Petitioner

Petitioner's

Attorney

Chairman, Zoning Plans

Advisory Committee

Enclosure

Enclosure

Enclosure

Enclosure

Enclosure

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RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE Corner Reisterstown & Montrose : OF BALTIMORE COUNTY
Rd., 3rd District :
LEON KURYK, Petitioner : Case No. 84-97-X

ORDER TO ENTER APPEARANCE

Mr. Commissioners

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Signature: Peter Max Zimmerman
Deputy People's Counsel

Signature: John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

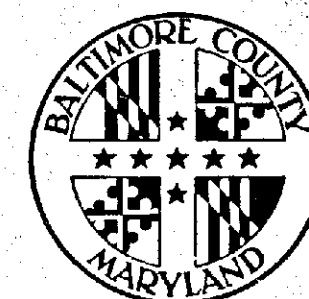
I HEREBY CERTIFY that on this 23rd day of September, 1983, a copy of the foregoing Order was mailed to Mr. Leon Kuryk, 505 Reisterstown Road, Pikesville, MD 21208; and Mr. Stanley Densicker, Garrison Auto Parts, Inc., 9633 Reisterstown Road, Garrison, MD 21055, Contract Purchaser.

Signature: John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: September 21, 1983
FROM: Norman E. Gerber, Director of Planning and Zoning
SUBJECT: Leon Kuryk, 84-97-X

The existing uses are not the type of uses that this office believes to be compatible with the adjacent residential area; however, the garage and towing uses appear to be existing. It does appear that the addition of used car sales to existing operations tends to overcrowd the land.

In view of the back history of the property, it is suggested that if the petitioner's request is granted, the following conditions be made a part of the Order:

1. No parking of cars, tow trucks, or any other vehicles incidental to this operation along Montrose Avenue.
2. A detailed landscaping plan submitted to and approved by the Division of Current Planning and Development.

NEG:JGH:cav

Signature: Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari

Chairman

MEMBERS

Bureau of

Engineering

Department of

Traffic Engineering

State Roads Commission

Bureau of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial

Development

Mr. Leon Kuryk
505 Reisterstown Road
Baltimore, Maryland 21208

RE: Item No. 55 - Case No. 84-97-X
Petitioner - Leon Kuryk
Special Exception Petition

Dear Mr. Kuryk:

Enclosed please find addendum comments relative to the above.

Very truly yours,

Signature: Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman

Zoning Plans Advisory Committee

NBC:bsc

Enclosure



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 30, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #55 (1983-1984)
Property Owner: Leon Kuryk
N/E cor. Reisterstown Rd. & Montrose Avenue
Acres: 0.45 District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (Md. 140) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Montrose Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way, with fillet areas for sight distance at the Reisterstown Road intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #55 (1983-1984)
Property Owner: Leon Kuryk
Page 2
September 30, 1983

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Montrose Avenue and Reisterstown Road.

Very truly yours,

Signature: Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAM:EWK:SS

P-NE Key Sheet
40 MW 27 & 28 Pos. Sheets
MW 10 G Topo
67 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 4, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Leon Kuryk
505 Reisterstown Road
Pikesville, Maryland 21208

RE: Case No. 84-97-X (Item No. 55)
Petitioner - Leon Kuryk
Special Exception Petition

Dear Mr. Kuryk:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of the proposal of Garrison Auto Parts, Inc. to sell used cars from the subject property, which is currently improved with a combination sales and service garage building, this hearing is required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mch

Enclosures

cc: Paul Lee Engineering, Inc.
302 W. Pennsylvania Ave.
Towson, Maryland 21204

Copy sent to Study Director 10/10/83

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon
Zoning Commissioner
TO: _____ Date: September 16, 1983
FROM: Stephen E. Collins
SUBJECT: Item No. 55 - ZAC Meeting of August 30, 1983
Property Owner: Leon Kuryk
Location: NE Cor. Reisterstown & Montrose Rds.
Existing Zoning: B.R. - C-NS
Proposed Zoning: Special Exception for Used Car Sales
Acres: 0.45
District: 3rd

After a more detailed review of the subject site, it is recommended that our department's correspondence of September 1, 1983 be revised to indicate that the entrance may be located as shown on the plat accompanying the petition for special exception dated July 26, 1983 and revised August 12, 1983.

At this time, portable concrete vehicle stops may be used as shown on the plat, rather than permanent concrete curb and gutter along the entire length of the eastern property line adjacent to Montrose Road. To further assure that the entrance on Montrose Road will be located as indicated on the plat, a permanent fence should be erected adjacent to the concrete vehicle barriers.

It should be clear that if there are any more used car displays than shown on the aforementioned plat, or if expanded building improvements take place, then the permanent curb and gutter improvements will be necessary.

Stephen E. Collins
Stephen E. Collins
Director of Traffic Engineering

SEC/mz

cc: Mr. B. Melvin Cole
Mr. C. Richard Moore
Mr. Michael S. Flanigan



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
474-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 55 - ZAC Meeting of August 30, 1983
Property Owner: Leon Kuryk
Location: NE Cor. Reisterstown Road and Montrose Road
Existing Zoning: B.R. - C-NS
Proposed Zoning: Special Exception for used car sales

Acres: 0.45
District: 3rd

Dear Mr. Hammond:

This site should have a standard commercial entrance that should be moved to the east of the proposed entrance.

Montrose Road should be improved with curb and gutter.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Commodari, Zoning _____ Date: September 21, 1983
FROM: C. R. Burnham, Building Plans Review 228
SUBJECT: Zoning Advisory Committee Meeting of August 30, 1983

Item #55 No comment
Item #56 See comments
Item #57 Standard comment
Item #58 No comment
Item #59 Standard comment
Item #60 Standard comment
Item #61 See comments
Item #62 Standard comments
Item #63 Standard comments

CSB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 29, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 30, 1983

RE: Item No. (S) 56, 57, 58, 59, 60, 61, 62 & 63
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
474-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 19, 1983

Walter I. Seif, Jr., Esquire
Maryland National Bank Building
1414 Reisterstown Road
Pikesville, Maryland 21208

IN RE: Petition Special Exception
NE corner of Reisterstown Road and
Montrose Avenue - 3rd Election
District:
Leon Kuryk, Petitioner
Case No. 84-97-X

Dear Mr. Seif:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Mr. Vernon W. Robinson
27 Montrose Avenue
Garrison, Maryland 21055

Mr. & Mrs. Lorman G. Pittinger
10 Montrose Avenue
Garrison, Maryland 21055

John W. Hession, III, Esquire
People's Counsel

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENHA
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner



July 11, 1982

Mr. Vernon W. Robinson
Montrose Avenue
P.O. Box 102
Garrison, Maryland 21055

RE: Ark Towing and Salvage Co.
Reisterstown Road
3rd District

Dear Mr. Robinson:

I am in receipt of your recent letter and petition regarding the above referenced service garage.

This office has visited the subject site and although I agree that it's appearance is not the most esthetically pleasing, it does however, meet the minimum requirements of the Zoning Regulations. The screen fence in question also appears to meet the Building Code minimum requirements.

As you mentioned in your letter, and are apparently aware, this type of use is permitted in the Business Roadside classification. It is not within our power to deny the use of a property that is permitted within a given zone.

I have personally contacted the operators of this service garage and tried to persuade them to erect a more attractive type of screening around the premises. I also informed them that this impounding area may only be used for storage of automobiles; no dismantling or salvage work is permitted on this site.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR.
Zoning Technician II

JJD:vtc
cc: Chief of Police Ellison W. Ensor
S. Eric Dinenna
James E. Dyer
George Mueller, Building Engineer

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1414 REISTERSTOWN ROAD
PIKESVILLE, MD. 21208

301-484-8388

September 1, 1983

Baltimore County Zoning Commission
111 W. Chesapeake Avenue
Towson, MD 21204

RE: GARRISON AUTO PARTS, INC.
SPECIAL EXCEPTION FOR SALE OF USED AUTOMOBILES
9633 REISTERSTOWN ROAD
GARRISON, MARYLAND 21055

Dear Mr. Jablon:

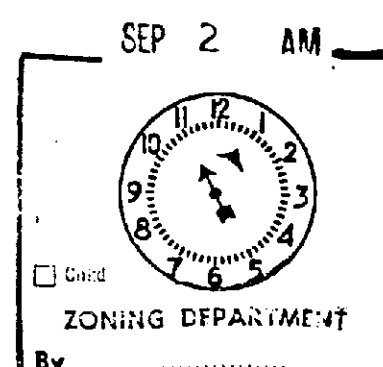
Please place the above-captioned matter in for hearing as soon as possible as it is necessary to proceed with zoning in order to obtain licenses.

Time is of the essence because of financial commitments that will expire. I would greatly appreciate any thing you can do to expedite this hearing.

Very truly yours,

WALTER I. SEIF, JR.

WIS:igb



October 8, 1983
Young Commission of Baltimore County
Leon Kuryk
Dear Sir,
I am opposing the young request for a used car dealer at the intersection of Reisterstown Rd. and Montrose Ave. as it would only compound the problems we already have with the existing junk-yard.
The area they occupy is not large enough to do what they already have there. It is only approximately 100 ft wide & 200 ft deep and their buildings take up about 1/3 of that. They have been cited numerous times by the young Board for various violations. At times they have the street blocked and one must wait while they shuffle their junk around. They have no entrance on Reisterstown Rd. as they use that as the side of their lot on Montrose Ave. which is only 17 ft wide. They drag around vehicles & junk through Montrose Ave. which is illegal as there are signs at each end of the street (No Turn

(2)
Trucks over 3/4 ton.
If this used car lot were allowed there probably would be cars parked all over Montrose Ave. even though there are no parking signs posted there on both sides. The Post Office is on the other corner with limited parking which doesn't help the situation.
The only way I would agree to this young change is if they would get an entrance off Reisterstown Rd. and put a fence the entire length of their lot on Montrose Ave. and keep their trucks off Montrose Ave.
Thank you,
Walter I. Seif, Jr.
97 Montrose Ave.
Garrison, Md. 21055
PROTESTANT'S EXHIBIT 8

IN RE: PETITION SPECIAL EXCEPTION
NE corner of Reisterstown Road
and Montrose Avenue - 3rd
Election District
Leon Kuryk,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-97-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to add a used car dealership to his already existing service garage. The proposed use would be established on his property which is zoned B.R.-C.N.S., and is more fully described on the site plan introduced and accepted as Petitioner's Exhibit 1.

The Petitioner's Lessee, Garrison Auto Parts, Inc., by its President, Stanley Dansicker, testified. The Lessee was represented by Counsel. Three Protestants appeared and testified.

The Lessee testified that presently he leases the subject property and owns a service garage on the site which he has operated for the past year. Prior to that, another service garage had existed on the site under the trade name of Arks Auto Service, Inc., which at one time was owned by the Lessee. The Lessee sold Arks and has had no connection whatever with Arks for five years prior to his opening Garrison. Last year, Arks declared bankruptcy and went out of business. The Lessee succeeded Arks on the site and now wishes to open a used car business in addition to his service garage, which consists of an office, body and fender shop, used auto parts sales, and towing. The used car operation would consist of showing to ten used cars for sale to the public.

The Protestants argue against the special exception. They argue that the present business under the proprietorship of Garrison or Arks has caused tremendous congestion on Montrose Avenue creating traffic flow and safety problems. They further argue that the Lessee has in the past caused zoning violations to exist

and if the special exception was to be allowed, further violations would evolve and be ignored further complicating the serious congestion and deterioration of the Reisterstown Road corridor and more specifically their neighborhood which lies to the rear of the Lessee's business.

Testimony showed that the only egress from and ingress to the site is from Montrose Avenue, a street off of Reisterstown Road. There is no entrance or exit on Reisterstown Road and none can be expected. All traffic to the Lessee's business must use Montrose Avenue. In addition, a post office operates on the corner opposite the Lessee on Montrose Avenue and Reisterstown Road, and traffic to and from the post office also contributes to traffic congestion, to what degree the subject of debate between the parties hereto. There is no parking allowed on Montrose Avenue, but apparently people do. The Lessee denies that any of the illegal parkers are his while the Protestants claim the majority are. Photographs introduced by the Protestants, marked Protestants' Exhibits 1 through 7, show such illegal parking but all pre-exist the Lessee's operation of the business site. The Protestants point out that the present traffic flow consists of present business to the Lessee, with some to the post office, and about 35 or 40 people who use Montrose Avenue to and from their homes. The Protestants estimate that, approximately 50 cars use Montrose Avenue between 7:00 a.m. to 9:00 a.m., a very low number during the day, and 100 to 150 cars between 4:00 p.m. to 6:00 p.m. They expect that the proposed use will increase traffic and make it more congested. Their main complaint is that they expect the additional business to cause more cars to park on Montrose Avenue and make it even more difficult to move without impediment. They also state that there are approximately 12 children who use Montrose Avenue to play, and direct attention to the attendant dangers caused by increased traffic which could result not just from resultant increase but from potential dangers using Montrose Avenue for their try-outs of used cars.

- 2 -

The Lessee requests approval for a used car dealership under Section 236.4 and 502.1 of the Baltimore County Zoning Regulations (BCZR).

It is clear that the zoning regulations permit the use requested by the Petitioner in a B.R. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary business uses in the vicinity of the proposed used car dealership. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

There is, of course, a strong presumption of the correctness of original zoning and of comprehensive zoning. See Howard County v. Dorsey, 438 A.2d 1339 (1982). There exists a presumption of validity that must be accepted. See Johnson and Wales College v. DiPietro, 448 A.2d 1271 (R.I., 1982). The County Council has found it necessary to legislate the permitted uses, either as a matter of right or by special exception, in particular zones within the County, and of those uses permitted by special exception in a B.R. Zone are those delineated in Section 236.4, and which includes the request made by the Petitioner. When interpreting zoning ordinance provisions, restrictive language therein contained must be strictly construed so as to allow the landowner the least restrictive use of his property. See Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingman Township, 440 A.2d 1284 (Pa., 1982). Where the language of a zoning ordinance is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. See Mongony v. Rev. McCracken, 432 A.2d 661 (R.I., 1981).

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore valid. The special exception use is a valid zoning mechanism that delegates...a limited authority to allow enumerated uses which the legislature has determined to be permissible any fact or circumstance negating the

presumption. The duties given...are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

See Schultz v. Pritts, 432 A.2d 1319 (1981).

The Lessee had the burden of adducing testimony and evidence which would show that the proposed use meets the prescribed standards and requirements set forth in Section 502.1. In fact, the Lessee has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Lessee does not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz, supra.

The Lessee testified that the proposed use will not cause an increase in traffic or congestion. He expects perhaps two or three customers to be attracted by the used car dealership every two or three hours.

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of property, and public hearing held, and appearing that by reason of the requirements of Section 502.1 of the zoning regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 7 day of October, 1983, that the Petition for Special Exception for a used car dealership, in accordance with the site plan as introduced and accepted into

evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit, and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All outdoor lighting shall be regulated as to location, direction, glare, and intensity to minimize illumination beyond the instant property so that the residential area nearby shall not be affected, and no additional lighting or advertising shall be placed on Montrose Avenue.
3. No more than ten used cars may be exhibited for sale on said property as part of the used car dealership at any one time, and said used cars can only be stored on the parking spaces so delineated for such exhibition as more specifically described on Petitioner's Exhibit 1.
4. The parking spaces delineated for customer parking on Petitioner's Exhibit 1 shall at all times be available only for customer parking during business hours, and for no other purpose.
5. The storage and parking of disabled vehicles must and shall be limited to that area as described for such storage on Petitioner's Exhibit 1, and to no other area.
6. A detailed landscaping plan shall be submitted for approval by the Current Planning and Development Division, Office of Planning and Zoning. Such plan shall provide for more than the fencing now in existence and shall include a provision for appropriate landscaping to shield the residential area to the northeast of the subject site from said site.
7. No cars, tow trucks, or any other vehicles incidental to, including customer automobiles, shall be parked along Montrose Avenue.
8. Vehicle stops or curbing is acceptable as shown on the site plan, but if concrete vehicle stops are used, they must be permanently in place.
9. The site shall have a standard commercial entrance that meets the approval of the Department of Traffic Engineering. Montrose Avenue shall be improved with curb and gutter.

10. Compliance with the requirements as set forth in the Baltimore County Zoning Plans Advisory Committee report, which is adopted in its entirety by this Order.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE Oct 19 1983
BY John P. Lacey

- 6 -

ORDER RECEIVED FOR FILING

DATE Oct 19 1983
BY John P. Lacey

- 3 -

ORDER RECEIVED FOR FILING

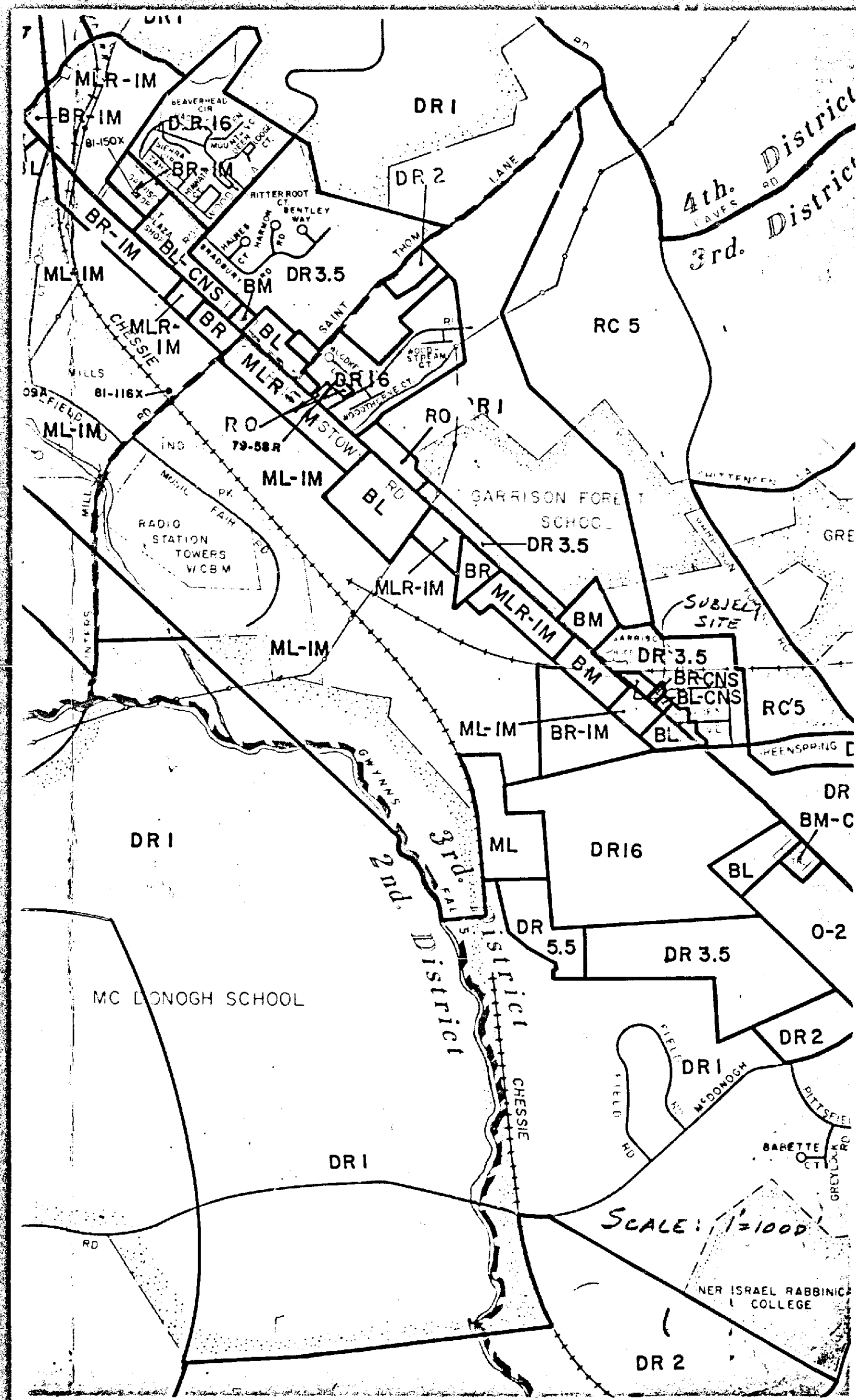
DATE Oct 19 1983
BY John P. Lacey

- 4 -

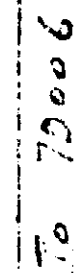
ORDER RECEIVED FOR FILING

DATE Oct 19 1983
BY John P. Lacey

- 5 -



THE JEFFERSONIAN,
H. Frank Smith
 Manager.
 Cost of Advertisement, \$ 21.00





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 6, 1998

Robert P. Legg, Esquire
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.
27th Floor
One South Street
Baltimore, MD 21202-3201

Dear Mr. Legg:

RE: Zoning Verification, 9633 Reisterstown Road, Zoning Case Numbers 85-136-SPHA and 84-97-X, 3rd Election District

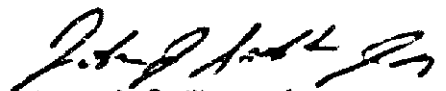
Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The current zoning of this site, per the 1" = 200' scale zoning map number NW-10G, is B.L. (Business, Local).

This site was the subject of two prior hearings. Special exception case number 84-97-X, for a used car dealership with sales office, was granted, with numerous restrictions, by the zoning commissioner on October 19, 1983. Special hearing and variance case number 85-136-SPHA, to allow a crusher run surface, in lieu of a durable-dustless surface, and to amend the prior special exception case for same, was granted by the zoning commissioner on November 21, 1984. All other restrictions of the prior case remained. The zoning of this site was B.R.-C.N.S. (Business, Roadside - Commercial, neighborhood shopping) until the comprehensive map change, effective October 13, 1988. This zoning classification allowed new car dealerships. As such, if both the new car dealership existed prior to October 13, 1988 and the used car business has continued since 1984 without a one year lapse in use, subject to the order restrictions, then they are legal uses.

A review of files in the Code Enforcement Office found no active violations.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,


John J. Sullivan, Jr.
Planner II, Zoning Review

JJS:sqj

